



NOTICE OF SPECIAL MEETING

CIVIL SERVICE COMMISSION CITY OF NATIONAL CITY

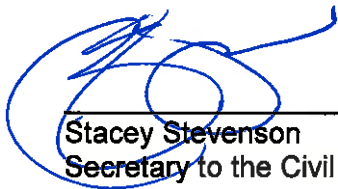
Civic Center
Large Conference Room, 2nd Floor
1243 National City Blvd., National City, CA 91950

**MONDAY, DECEMBER 2, 2013
5:30 P.M.**

NOTICE IS HEREBY GIVEN that the Civil Service Commission of the City of National City will hold a Special Meeting on Monday, December 2, 2013 at 5:30 p.m. at the Civic Center in the Large Conference Room, 2nd Floor, 1243 National City Blvd., National City, California 91950.

The business to be transacted at said Meeting would be for the Commission to consider the following:

- **Request to Restore Seniority for Juan Sandoval**
- **Re-Schedule Civil Service Commission Meeting from January 9 to January 23, 2014**



Stacey Stevenson
Secretary to the Civil Service Commission

Date: November 26, 2013



CITY OF NATIONAL CITY
M E M O R A N D U M

DATE: December 2, 2013

TO: City of National City Civil Service Commission

FROM: Stacey Stevenson, Director of Administrative Services

SUBJECT: Request to Restore Seniority for Juan Sandoval – Staff Report

The noticed November 14, 2013 Civil Service Commission meeting agenda included an item placed on the agenda at the request of a former City of National City employee: Item 7.B, Request to Restore Seniority for Juan Sandoval.

The above noticed agenda item was heard by four of the seated Commissioners with Commissioner Coyote recused. Speakers on the item included Mr. Sandoval and Police Chief Manuel Rodriguez in support of the item and members of the City of National City Police Officers' Association (POA) in opposition. Having heard from both sides, the Commission voted to continue the item to a special meeting with direction to staff to bring back any relevant information related to seniority in the Civil Service Rules and the authority of the Commission.

Having listened to the comments of both sides and having further discussed with the concerns of the POA with the POA President, staff has conferred with legal regarding this matter. As explained below, the Civil Service Commission does not appear to have the authority to waive the seniority rules. In reaching this conclusion staff considered the language contained in the City of National City Municipal Code, Civil Service Rules and the Memorandum of Understanding between the City and the POA (MOU).

Municipal Code Section 3.36.030, Break in Service – Unauthorized states “In the event an officer or employee ceases to be employed by the city for a reason other than military service, all rights to previously earned seniority shall be forfeited and expire, and if said officer or employee subsequently is reemployed by the city he shall not be entitled to any seniority by reason of any prior employment”.

Section 1203 of the Civil Service Rules – Precedence and Limitations of These Rules states that “any memorandum of understanding between a recognized employee organization and the City which is approved by the City Council shall take precedence with regard to the affected employees if in direct conflict with these Rules and within the scope of bargaining as defined

under Government Code Sections 3500-3510 commonly referred to as the Meyers-Milias Brown Act” (*emphasis added*). That section also states that the Commission may waive provisions of these Rules on an exception basis when it appears that application of these Rules to a particular instance or situation does not serve the intent of merit principals.

Section 102 of the Civil Service Rules – Specific Terms states, in defining seniority, that “Unauthorized breaks in service, such as a resignation without re-employment within thirty (30) calendar days, shall negate all previously earned seniority”. However, Article 34 of the MOU, Definitions, defines seniority as “the number of months of continuous service in the Police Department in a permanent position”. As noted above in reference to Section 1203, the MOU language takes precedence.

Accordingly, as given the language of the Municipal Code; and given that the MOU defines seniority as continuous service in a permanent position; and as the issue of seniority is within the scope of bargaining, staff believes the Commission cannot waive the rule without bargaining with the POA. Reinstating this individual back with full seniority would have an impact on all employees with lesser seniority.



Stacey Stevenson

**NATIONAL CITY POLICE DEPARTMENT
MEMORANDUM**

Date: November 5, 2013

To: Stacey Stevenson, Director of Administrative Services

From: Manuel Rodriguez, Chief of Police

Subject: Civil Service Agenda Item-Officer Juan Sandoval Seniority

Officer Juan Sandoval was employed with the National City Police Department from December 18, 2001 through February 7, 2013. Officer Sandoval left the police department and accepted a Criminal Investigator position with the San Diego County's District Attorney's Office. Officer Sandoval left the National City Police Department due to the ailing health of his mother but is considering returning to our department. Officer Sandoval is formally requesting from the Civil Service Commission that his seniority be reinstated upon his successful re-hire with the National City Police Department.

While employed with our department, Officer Sandoval was assigned to the Regional Narcotics Task Force as National City Police's representative. The Drug Enforcement Administration (DEA) is the lead agency on the task force and their primary mission is to target mid to high level criminal organizations. During his time on the task force, Officer Sandoval worked as the case agent on a very significant case. The case began when Officer Sandoval followed up on a complaint regarding narcotics activity. As a result Officer Sandoval recruited a confidential source and using journeyman interview techniques learned information that facilitated the rescue of several "narco" hostages being held in a foreign country, the recovery of a cache of automatic weapons and the seizure numerous bales of marijuana. As a result of this case, Officer Sandoval cultivated additional information that led to a second major domestic and international drug trafficking investigation.

As the case grew, Officer Sandoval not only directed operations domestically but also internationally. This is unusual for a task officer, however Officer Sandoval earned the trust of federal, state, and local law enforcement agencies. As a result, Officer Sandoval coordinated undercover operations, surveillances, and information gathering missions. Officer Sandoval documented and established international links to infamous and notorious foreign drug cartels. The case led to dozens of criminal indictments, the seizure of bulk quantities of narcotics and U.S. currency and the future seizure of millions of dollars determined to be assets of criminal enterprises of the cartels. Unfortunately, a foreign law enforcement officer was tragically killed in his country during the investigation of this case.


The significance of this investigation and the vision and strategies employed by Officer Sandoval were recognized by the DEA in Washington DC and the San Diego Office

when he was named the 2012 Narcotics Officer of the Year, the highest award that can be earned by an officer. The case was unprecedented because no task force officer from a municipal department had ever directed an investigation of such magnitude. It was apparent to the DEA and to their federal partners that Officer Sandoval was instrumental to the success of the operation.

During his time with the National City Police Department and while assigned to the Narcotics Task Force, Officer Sandoval demonstrated the highest level of professionalism and dedication to the law enforcement profession and to the residents of National City. Prior to his task force assignment, Officer Sandoval also worked as a patrol officer and was a member of the department's SWAT Team. It is because of his stellar reputation and unwavering commitment to make a positive difference in our community that the police department supports Officer Sandoval's efforts to regain his seniority upon being re-hired with the National City Police Department.

Thank you for your consideration on this matter.

MANUEL RODRIGUEZ

 FOR CHIEF RODRIGUEZ

MEMORANDUM

November 6, 2013

To: Stacey Stevenson, Director of Administrative Services

From: Juan C. Sandoval

Date: November 6, 2013

RE: Consideration for restoring of seniority

This memorandum is a formal request for consideration in regards to restoring my seniority with the National City Police Department.

On December 18, 2001, I received employment with the National City Police Department as a Police Officer where I worked for over 11 years. I began my Law Enforcement career in the Patrol Division and subsequently was selected for the Special Weapons and Tactics Team (SWAT) where I was for 3 years. While in the Patrol Division, I worked on several projects involving areas of high criminal activity within the City of National City and conducted several arrests in an effort to provide a better quality of life to the citizens of National City. I participated in several community events and was a member of the first NCPD color guard.

While in the Patrol Division, I assisted the Investigations Division and assisted in creating the first Mexico/Border Liaison Unit where I worked with Mexican authorities in locating and apprehending suspects that fled the United States to Mexico to avoid prosecution. I also coordinated several training sessions for Mexican Law Enforcement teams that assisted us with several cross border cases.

In 2007, I was transferred to the NCPD Investigations Division and sent to the Drug Enforcement Administration where I worked as a cross sworn Federal Task Force Officer. During my time there, I was the case agent on several investigations involving narcotic complaints from residents in National City. I conducted several arrests and projects in an effort to address concerns by the citizens of National City. I was also the case agent on sophisticated/complex domestic and international narcotic and money laundering investigations.

This year, I accepted employment with the San Diego County District Attorney's Office and left the police department for personal reasons. I am now considering returning to the National city Police Department. I respectfully request that my seniority be restored upon my return. Thank you for your consideration in this matter and please do not hesitate to contact me at 619-573-0777 if you may have any questions.